

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

JANE DOES 1-9,

Plaintiffs,

vs.

COLLINS MURPHY, SHARON
HAMMONDS, BRENDA F. WATKINS,
LIMESTONE UNIVERSITY, MG
FREESITES, LTD., d/b/a PORNHUB.COM,
MG FREESITES II LTD., MINDGEEK
S.A.R.L., MINDGEEK USA, INC., MG
BILLING LTD., and HAMMY MEDIA LTD.
d/b/a XHAMSTER.COM, TRAFFICSTARS
LTD., WISEBITS LTD, XHAMSTER IP
HOLDINGS LTD, WISEBITS IP LTD.,

Defendants.

Case No.: 7:20-cv-00947

**TRAFFICSTARS LTD.'S ANSWER TO
FIFTH AMENDED COMPLAINT,
AFFIRMATIVE DEFENSES,
AND JURY TRIAL DEMAND**

Defendant TrafficStars, Ltd. ("TSL"), by and through its undersigned counsel, for its
Answer to the Fifth Amended Complaint of Plaintiffs herein states as follows:

ANSWER

Introduction

1. This paragraph contains an introductory statement and, as such, no response is
necessary. To the extent that a response is required, TSL denies the allegations of this paragraph.

2. This paragraph contains an introductory statement not aimed at TSL and, as such,
no response is necessary. To the extent that a response is required, TSL states that it is without
sufficient information to admit or deny the allegations contained in this paragraph.

3. This paragraph contains an introductory statement not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

4. This paragraph contains an introductory statement and, as such, no response is necessary. To the extent that a response is required, TSL denies the allegations of this paragraph.

Jurisdiction and Venue

5. Denied.

6. Denied.

Parties

7. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

8. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

9. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

10. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

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13. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

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15. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

16. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

17. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

18. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

19. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

20. This paragraph contains a conclusion of law for which no response is required. To the extent that a response is required, TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

21. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

22. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

23. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

24. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

25. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

26. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

27. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

28. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

29. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

30. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

31. TSL admits that it is organized under the laws of Cyprus. To the extent not otherwise admitted, TSL denies the allegations of this paragraph.

32. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

33. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

34. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

35. TSL is without sufficient information to admit or deny the allegations contained in this paragraph.

Background

36. This paragraph contains is not directed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

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40. Denied.

41. Denied.

42. Denied.

43. This paragraph contains is not directed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

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59. Denied.

60. This paragraph contains is not directed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

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63. Denied.

64. Denied.

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Facts

70. TSL restates and reasserts its responses to the prior paragraphs as if set forth in full herein.

71. This paragraph contains allegations not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

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**FIRST CAUSE OF ACTION AGAINST DEFENDANTS MURPHY,
MINDGEEK, AND XHAMSTER
(Violation Of the Trafficking Victims Protection Reauthorization Act (“TVPRA”), 18
U.S.C. §§1591, 1595)**

95. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

96. This paragraph contains statements of law for which no response is required. To the extent that a response is required, TSL denies the allegations of this paragraph.

97. This paragraph contains statements of law for which no response is required. To the extent that a response is required, TSL denies the allegations of this paragraph.

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101. This paragraph contains statements of law for which no response is required. To the extent that a response is required, TSL denies the allegations of this paragraph.

102. Denied.

103. Denied.

104. Denied.

105. Denied.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

**SECOND CAUSE OF ACTION AGAINST THE DEFENDANTS MURPHY, MINDGEEK
and xHAMSTER
(Conducting The Affairs of an Enterprise Through A Pattern Of Racketeering Activity - 18
U.S.C. § 1962(c) and 1964(c))**

111. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

112. This paragraph contains conclusions of law and, as such, no response is necessary. To the extent that a response is required to the allegations of law, TSL denies the same.

113. Denied.

114. Denied.

115. Denied.

116. Denied.

117. Denied.

118. Denied.

119. Denied.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

125. Denied.

126. Denied.

127. Denied.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

132. Denied.

**THIRD CAUSE OF ACTION AGAINST DEFENDANT MURPHY
(Invasion of Privacy - Wrongful Intrusion Upon Private Affairs)**

133. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

134. This paragraph contains allegations not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

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**FOURTH CAUSE OF ACTION AGAINST DEFENDANT MURPHY
(Invasion of Privacy – Wrongful Publicizing of Private Affairs)**

142. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

143. This paragraph contains allegations not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

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**FIFTH CAUSE OF ACTION AGAINST DEFENDANT MURPHY
(Invasion of Privacy – Wrongful Appropriation of Personality)**

150. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

151. This paragraph contains allegations not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations contained in this paragraph.

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**SIXTH CAUSE OF ACTION AGAINST DEFENDANT MURPHY
(Intentional Infliction of Emotional Distress)**

158. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

159. This paragraph contains allegations not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations

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**SEVENTH CAUSE OF ACTION AGAINST DEFENDANTS LIMESTONE and
HAMMONDS
(Negligent Hiring)**

165. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

166. This paragraph contains allegations not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations

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**EIGHTH CAUSE OF ACTION AGAINST DEFENDANTS LIMESTONE,
HAMMONDS and WATKINS
(Negligent Supervision)**

173. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

174. This paragraph contains allegations not aimed at TSL and, as such, no response is necessary. To the extent that a response is required, TSL states that it is without sufficient information to admit or deny the allegations

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**NINTH CAUSE OF ACTION AGAINST DEFENDANTS MINDGEEK AND xHAMSTER
(Negligent Monitoring)**

180. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

181. TSL states that it is without sufficient information to admit or deny the allegations

182. Denied.

183. Denied.

184. Denied.

185. Denied.

186. Denied.

**TENTH CAUSE OF ACTION AGAINST DEFENDANTS MINDGEEK AND
xHAMSTER
(False Light)**

187. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

188. TSL states that it is without sufficient information to admit or deny the allegations

189. TSL is without sufficient information to admit or deny the allegations

190. TSL is without sufficient information to admit or deny the allegations

191. TSL is without sufficient information to admit or deny the allegations

192. Denied.

193. Denied.

**ELEVENTH CAUSE OF ACTION AGAINST THE DEFENDANTS MURPHY,
MINDGEEK and xHAMSTER
(Civil Conspiracy)**

194. TSL incorporates by reference and reasserts all previous responses and denials contained in this Answer as if fully set forth herein.

195. Denied.

196. Denied.

197. Denied.

Affirmative Defenses

1. This Court does not have personal jurisdiction over TSL and, as such, cannot adjudicate the claims against it consistent with the Due Process Clause of the United States Constitution.

2. The allegations and claims in the Fifth Amended Complaint fail, in whole or in part, to state a claim upon which relief may be granted.

3. The allegations and claims in the Fifth Amended Complaint fail, in whole or in part, as being outside of the statute of limitations.

4. The allegations and claims in the Fifth Amended Complaint fail as they are barred in part or in whole by Section 230 of the Communications Decency Act.

5. The allegations and claims in the Fifth Amended Complaint fail, in whole or in part, because TSL was not the proximate cause of any of Plaintiff's damages.

6. The allegations and claims in the Fifth Amended Complaint fail, in whole or in part, as the damages alleged by Plaintiff are the result of the actions of others.

7. The allegations and claims in the Fifth Amended Complaint fail, in whole or in part, because TSL did not owe a duty of care of the Plaintiff.

8. The allegations and claims in the Fifth Amended Complaint for Civil Conspiracy fail inasmuch as there was no common design or agreement as between the Defendants.

9. The allegations and claims in the Fifth Amended Complaint arising under the Civil RICO statute fail inasmuch as no enterprise existed between the Defendants.

10. The allegations and claims in the Fifth Amended Complaint arising under the Civil RICO statute fail inasmuch as there was no pattern of racketeering activities.

11. The allegations and claims in the Fifth Amended Complaint arising under the Civil RICO statute fail inasmuch as the acts complained of did not have an effect on interstate commerce.

12. The allegations and claims in the Fifth Amended Complaint arising under the Trafficking Victims Protection Reauthorization Act ("TVPRA") fail inasmuch as TSL did not knowingly participate in any violation of the statute.

13. The allegations and claims in the Fifth Amended Complaint arising under the TVPRA fail inasmuch as TSL did not knowingly benefit from any violation of the statute.

14. The allegations and claims in the Fifth Amended Complaint arising under the TVPRA fail inasmuch as the Fifth Amended Complaint fails to allege a commercial sex act.

15. The allegations and claims in the Fifth Amended Complaint arising under the TVPRA fail inasmuch as the Fifth Amended Complaint fails to allege that Plaintiffs were under the age of 18 at the time of any violation of the statute.

16. The allegations and claims in the Fifth Amended Complaint arising under the TVPRA fail inasmuch as the Fifth Amended Complaint fails to allege the required elements of that statute.

TSL has not knowingly or intentionally waived any applicable affirmative defenses and reserves the right to assert and rely on such other applicable affirmative defenses as may become available or apparent upon discovery of further information concerning Plaintiff's claims.

Prayer for Relief

WHEREFORE, TSL prays that the Court award the following relief:

- A. That judgment enter for TSL and against Plaintiff on each of the Counts of the Fifth Amended Complaint;
- B. That the Court dismiss Plaintiffs' Fifth Amended Complaint in its entirety; and
- C. That the Court award TSL such other relief the Court deems to be just.

Defendant Demands a Trial by Jury on All Claims so Triable

Respectfully Submitted,

/s/ Hannah Rogers Metcalfe
Hannah Rogers Metcalfe, Fed ID. 9943
Metcalfe & Atkinson, LLC
1395 South Church Street
Greenville, South Carolina 29605
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